

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 * * *

4 UNITED STATES OF AMERICA,

5 Plaintiff,

6 v.

7 TESHAE GALLON,

8 Defendant.

Case No. 2:11-cr-0334-APG-GWF

**ORDER DENYING MOTION FOR
EARLY TERMINATION OF
SUPERVISED RELEASE**

(ECF No. 284)

10 Defendant Teshae Gallon moves to terminate her supervised release early. ECF No. 284.

11 The Probation Office opposes and the United States Attorney has not filed a response.

12
13 Modification of supervised release is governed by 18 U.S.C. § 3583(e). Under that
14 statute, I first must consider “the factors set forth in section 3553 (a)(1), (a)(2)(B), (a)(2)(C),
15 (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a)(7).” After examining the section 3553 factors, I may
16 terminate supervised release “if [I am] satisfied that such action is warranted by the conduct of
17 the defendant released and the interest of justice.” 18 U.S.C. § 3583(e)(1).

18
19 Ms. Gallon was convicted of brandishing a firearm in furtherance of a crime of violence.
20 ECF No. 90. While Ms. Gallon was primarily the getaway driver for this crime, this obviously
21 was a serious crime that warranted punishment. Moreover, there remains a need to provide Ms.
22 Gallon adequate deterrence from committing crimes in the future. Her compliance with the terms
23 of supervised release has not been stellar. According to her Probation Officer, on at least two
24 occasions she came into contact with law enforcement without reporting it, as required under her
25 conditions of supervision. She has associated with other criminals, she has been charged with
26 two crimes (one of which apparently was dismissed), and she has repeatedly changed residences
27 without timely notifying her probation officer.
28

1 To her credit, Ms. Gallon has successfully completed mental health counseling and her
2 drug testing reveals her to be drug-free. I applaud and encourage her continued efforts.
3 However, even if her violations are considered technical—which I do not necessarily agree
4 with—“[m]ere compliance with the terms of supervised release is what is expected, and without
5 more, is insufficient to justify early termination.” *United States v. Grossi*, No. CR-04-40127 DLJ,
6 2011 WL 704364, at *2 (N.D. Cal. Feb. 18, 2011) (citations omitted).

7
8 [E]ven perfect compliance with conditions of release does not qualify as
9 “exceptionally good behavior” warranting early termination. . . . “Model prison
10 conduct and full compliance with the terms of supervised release is what is
11 expected of a person under the magnifying glass of supervised release and does not
12 warrant early termination.” . . . In *United States v. Medina*, the court found that
13 though defendant's “post-incarceration conduct is apparently unblemished, this
14 alone cannot be sufficient reason to terminate the supervised release since, if it
15 were, the exception would swallow the rule.” 17 F.Supp.2d 245, 247 (S.D.N.Y.
16 1998). Therefore, a defendant must show something “of an unusual or
17 extraordinary nature” in addition to full compliance.

18 *United States v. Etheridge*, 999 F. Supp. 2d 192, 196 (D.D.C. 2013) (citations omitted). No such
19 unusual or extraordinary circumstance has been shown here.

20 Ms. Gallon's request for early termination is based primarily on her desire to move to
21 California. ECF No. 284 at 3:2-4 (“Her early termination request would permit her to move the
22 California (the Bay area) . . .”). But the terms of her supervised release do not prevent her from
23 moving there with the permission of the Probation Office. Transfers of supervision between
24 districts is not uncommon. It appears that Ms. Gallon's relocation is being blocked by her own
25 behavior (incurring new criminal charges) and her failure to provide the Probation Office a
26 relocation residence plan. The present circumstances do not justify early termination of
27 supervised release. Therefore, Ms. Gallon's motion (**ECF No. 284**) is **DENIED**.

28 Dated: July 11, 2017.



ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE